

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY GOVERNOR LYNDO TIPPETT Secretary

December 1, 2006

MEMORANDUM TO: Mr. Jon G. Nance, PE Division Five Engineer

FROM:

Philip S. Harris, III, P.E., Unit Head Natural Environment Unit Project Development and Environmental Analysis Branch

SUBJECT:

Wake County, Replace Bridge No.255 over an Unamed Tributary to Swift Creek; T.I.P. Number B-4299; State Project 8.2408401

Attached is the DWQ 401 Water Quality Certification and the Neuse Buffer Authorization for the above referenced project. All environmental permits have been received.

PSH/gyb

Attachment

Cc:

Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design
Dr. David Chang, P.E., Hydraulics
Mr. Randy Garris, P.E. State Contract Officer
Mr. Art McMillan, P.E., Highway Design
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. John F. Sullivan, FHWA
Mr. Eric Midkiff, P.E., PDEA Central Region Unit Head
Mr. Chris Murray, Division Environmental Officer

Telephone: 919-733-3141 FAX: 919-715-1501

PROJECT COMMITMENTS

Wake County Replacement of Bridge No. 255 over an Unnamed Tributary to Swift Creek State Project 8.2408401 WBS No. 33636.1.1 TIP No. B-4299

In addition to the NCDOT's Guidelines for Best Management Practices for the Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, and Neuse Buffer Certification Conditions, the following special commitments have been agreed to by NCDOT:

Commitments Developed Through Project Development and Design

Project Development & Environmental Analysis and Roadway Design Unit

The Neuse River Riparian Buffer Rules will be implemented during the design, construction, and maintenance of the project.

Commitments Developed Through Neuse Buffer Certification

No new special conditions are contained in the Neuse Buffer Certification. All standard conditions apply.



November 9, 2006 Wake County DWQ Project No. 20061671 Bridge 255 on SR 1006 TIP No. B-4299

APPROVAL of NEUSE BUFFER AUTHORIZATION with ADDITIONAL CONDITIONS

Dr. Gregory J. Thorpe, Ph.D. NCDOT, Project Development and Environmental Analysis 1598 Mail Service Center Raleigh, NC 27699-1598



You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing Bridge 255 in Wake County:

Neuse Riparian Buffer Impacts

Site	Zone 1 Impact (sq ft)	<i>minus</i> Wetlands in Zone 1 (sq ft)	= Zone 1 Buffers (not wetlands) (sq ft)	Required	Zone 2 Impact (sq ft)	<i>minus</i> Wetlands in Zone 2 (sq ft)	= Zone 2 Buffers (not wetlands) (sq ft)	Zone 2 Buffer Mitigation Required (using 1.5:1 ratio)
1	6,286	0	6,286	N/A	3,065	0	3,065	N/A
Totals	6,286	0	6,286	0	 3,065	0	3,065	0

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required Total Buffer Impact for Project: 9,351 square feet.

The project shall be constructed in accordance with your application dated received October 24, 2006. After reviewing your application, we have decided that these impacts are covered by the Neuse Riparian Buffer Rules (15A NCAC 2B.0233). In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire after five years from the issue date.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

Transportation Permitting Unit 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604 Phone: 919-733-1786 / FAX 919-733-6893 / Internet: <u>http://h2o.enr.state.nc.us/ncwetlands</u>



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Conditions of Certification:

1. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.

2. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.

3. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.

4. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.

5. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

6. If concrete is used during construction, a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

7. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.

8. The dimension, pattern and profile of the stream above and below the crossing should not be modified. Disturbed floodplains and streams should be restored to natural geomorphic conditions.

9. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.

10. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.

11. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.

12. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.

13. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.

NorthCarolina Naturally

1650 Mail Service Center, Raleigh, North Carolina 27699-1650

2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604

Phone: 919-733-1786 / FAX 919-733-6893 / Internet: http://h2o.enr.state.nc.us/ncwetlands



14. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.

15. A copy of this Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

16. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.

17. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Certification has been completed.

18. Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

19. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this certification without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.

20. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

21. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored upon completion of the project.





If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Rob Ridings at (919) 733-9817.

Sincerely. Alan W. Klimek, P.E.

Attachment (Certificate of Completion form)

cc: Chris Murray, Division 5 Environmental Officer
 Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
 Travis Wilson, NC Wildlife Resources Commission
 DWQ Raleigh Regional copy
 File Copy





Division of Water Quality

DWQ Project No.:	County:	
Applicant:		
Project Name:		
Date of Issuance of Water Quality Certification:		

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, ______, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature:

Date: _____

Agent's Certification

, hereby state that, to the best of my abilities, due care and diligence I, ____ was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: Date:

Engineer's Certification

Final Partial

_____, as a duly registered Professional Engineer in the State of North I. Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature Registration No.

Date _____







		LEGEND		
WLB	WETLAND BOUNDARY]	PROPOSED BRIDGE	
,WLB, / * * / / WLB-/	WETLAND		PROPOSED BOX CULVERT	
	DENOTES FILL IN WETLAND		PROPOSED PIPE CULVERT	
(\$///\$)	DENOTES FILL IN SURFACE WATER	EXISTNG	STRUCTURES)	
\$///P/	DENOTES FILL IN SURFACE WATER (POND)		SINGLE TREE	
	DENOTES TEMPORARY FILL IN WETLAND		WOODS LINE DRAINAGE INLET	
E///E/	DENOTES EXCAVATION IN WETLAND	A STATE OF ST	ROOTWAD	
<u>, TS//TS</u>	DENOTES TEMPORARY FILL IN SURFACE WATER	and the second s		
* * * * * * * * * * *	DENOTES MECHANIZED CLEARING	(5) OR	RIP RAP INT PROPERTY OWNER PARCEL NUMBER IF AVAILABLE	
—— BZ ——	RIPARIAN BUFFER ZONE			
~ ~	FLOW DIRECTION	A B	RIP RAP ENERGY	
ТВ	TOP OF BANK		DISSIPATOR BASIN	
WE	EDGE OF WATER	a for		
<u> </u>	PROP.LIMIT OF CUT			
– – <u>F</u> – – –	PROP.LIMIT OF FILL			
	PROP.RIGHT OF WAY			
— – NG — –	NATURAL GROUND			
	PROPERTY LINE			
TDE	TEMP. DRAINAGE EASEMENT			
PDE	PERMANENT DRAINAGE EASEMENT			
	EXIST. ENDANGERED ANIMAL BOUNDARY			
—ЕРВ	PLANT BOUNDARY			
	WATER SURFACE			
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Project No. 33636.1.1 (B-4299)

Property Owner List

Parcel Number	Name	Address
2	John Henry Battz	5500 Old Stage Road Raleigh, NC 27603
5	Richard D. Abernathy	5616 Old Stage Road Raleigh, NC 27603
6	George F. Horton	5412 Old Stage Road Raleigh, NC 27603

N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS
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PROJECT: 33636.1.1 (B-4299) BRIDGE NO. 255 OVER $UT +0 \leq U$ A Creek ON SR 1006 SHEET 4 OF 9 01

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			BUFFER IMPACTS SUMMARY	S IMPA	CTS SUI	MMARY							
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						_	IMPACI					BUF	BUFFER
				TYPE			ALLOWABLE			MITIGABLE		REPLAC	REPLACEMENT
SITE NO.	STRUCTURE SIZE / TYPE	STATION (FROM/TO)	ROAD CROSSING	BRIDGE	PARALLEL IMPACT	ZONE 1 (ft ²)	ZONE 2 (ft ²)	TOTAL (ff ²)	ZONE 1 (ff ²)	ZONE 2 (ft ²)	TOTAL (ff ²)	ZONE 1 (ft ²)	ZONE 2 (ft ²)
-	-L- Roaday Fill	-L- 22+00 / -L- 22+35	×			622.0	1613.0	2235.0		,			
	Bridge, 1 @ 70'-0" Box Beam	-L- 22+35 / -L- 23+05		×		4969.0		4969.0					
	-L- Roaday Fill	-L- 23+05 / -L- 23+ 4 0	×			695.0	1452.0	2147.0					
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TOTAL:						6286.0	3065.0	9351.0					
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